

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

KEITH A. KELLEY,)
)
 Plaintiff,)
)
 v.) Civil Action No. 1:08cv428
)
 LOUDOUN AUTO PARTS, INC.,)
)
 Defendant.)

LOUDOUN AUTO PARTS, INC.,)
)
 Third Party Plaintiff,)
)
 v.)
)
 JERRY CURRIN, et al.,)
)
 Third Party Defendants.)

MEMORANDUM OPINION AND ORDER

THIS MATTER came before the Court on a Motion to Dismiss by Third Party Defendants Employee Benefit Managers, Inc. and Charles H. Belch (# 32) and a Motion to Dismiss by Third Party Defendants Jerry Currin and Currin Agency and Associates Insurance Center (# 44).

UPON CONSIDERATION of the parties' pleadings and having heard oral argument, the Court finds that the issues in this matter should be resolved among all relevant parties at the same time.

THE COURT further finds that it can cure any prejudice concerns by allowing a brief extension of discovery. Accordingly, it is ordered that the deadline for the close of discovery is extended until January 9, 2009. The parties shall appear for a pre-trial conference before the undersigned

Magistrate Judge on January 14, 2009 at 10:00 am, at which time a new trial date shall be set.

Accordingly, both Motions to Dismiss are hereby DENIED. In addition, the Motion for Leave to File a Responsive Pleading by Third Party Defendants Jerry Currin and Currin Agency and Associates Insurance Center (# 44) is hereby GRANTED.

ENTERED this 31st day of October, 2008.

_____/s/
THERESA CARROLL BUCHANAN
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia